



West Fargo City Commission Meeting
West Fargo City Hall Commission Chambers
800 4th Ave E, West Fargo, 58078
Tuesday, November 9, 2021 5:30 PM

1. Call to Order
2. Approval of Minutes – October 12, 2021
3. Agenda Items
4. Public Hearing - A21-39 River's Bend at the Preserve 8th Addition, Replat Lots 11-13, Block 1 of Rivers Bend 4th Addition, City of West Fargo, North Dakota - Klein
5. Public Hearing - A21-40 Rezoning from R-1: One and Two Family Dwellings to C: Light Commercial and Conditional Use Permit for Apartments above commercial establishments at 120 1st Street (Lot 9, Block 7 of Sukuts Estates Subdivision), City of West Fargo, North Dakota - Mastrud
6. Public Hearing - A21-41 Conditional Use Permit for oversized accessory building at 2016 Ann St (Lot 4, Block 2 of Woodland Estates Subdivision), Cass County, North Dakota - Knoke
7. Public Hearing – A21-42 Gensler Subdivision and Conditional Use Permit for a non-farm single family residential dwelling on a parcel located in the S ½ of Section 26, T139N, R50W, Cass County, North Dakota - Selberg
8. Public Hearing - A21-43 Zoning Ordinance Amendment to 4-200 Definitions, 4-441 General Fencing and Screening Requirements and 4-442 Accessory Building and Use Provisions regarding Swimming Pools
9. Withdrawn – A21-36 Conditional Use Permit for indoor personal training/coaching (volleyball) facility in a M: Heavy Industrial Zoning District at 630 9th Street NW (Lot 1, Block 1 of West Fargo 5th Addition), City of West Fargo, North Dakota – J&S Development
10. Non-Agenda Items
11. Adjourn



*Lisa Sankey, Planner
Malachi Petersen, Planner
Chanda Erickson, Office Manager*

West Fargo Planning & Zoning Commission
Tuesday, October 12, 2021 at 5:30pm
West Fargo City Hall

Members Present: Joe Kolb, April Walker, Lana Rakow, Mike Thorstad, Brady Woodard

Members Absent: Eric Dodds, David Gust, Shane Lebahn

Others Present: Tim Solberg, Lisa Sankey, John Shockley, Chanda Erickson, Malachi Petersen

Minutes Submitted by: Chanda Erickson, Office Manager

Meeting was called to order by Chair Kolb at 5:30pm.

Commissioner Rakow moved and Commissioner Thorstad seconded to approve the September 14, 2021 meeting minutes as printed and mailed. No opposition, Motion carried.

Commissioner Kolb opened a Public Hearing - A21-35 Conditional Use Permit for Wireless telecommunications tower within an A: Agricultural Zoning District in ET area at 4331 81 St S (parcel in the NE¼ of Section 36, T139N, R50W), Cass County, North Dakota – SBA Towers. After continued discussion, Commissioner Rakow moved and Commissioner Woodard seconded to approve the application with the conditions listed in the staff report. The first condition would include the placement of the tower as far west to the proposed Fargo/Moorhead diversion as possible. Also and additional condition if development were to happen in the area a natural screening would be required. No opposition. Motion carried.

Request to Continue - A21-36 Conditional Use Permit for indoor personal training/coaching (volleyball) facility in a M: Heavy Industrial Zoning District at 630 9th Street NW (Lot 1, Block 1 of West Fargo 5th Addition), City of West Fargo, North Dakota – J&S Development.

Commissioner Kolb opened a Public Hearing - A21-37 Zoning Ordinance Amendment to 4-451.6 Automobile Parking Space Required for Office Uses. The Public Hearing was closed. After discussion, Commissioner Walker moved and Commissioner Rakow seconded to approve the amendment. No opposition. Motion carried.

Commissioner Kolb opened a Public Hearing - A21-38 Zoning Ordinance 4-434 DMU: Downtown Mixed Use District Standards regarding setbacks for new construction. The Public Hearing was closed. After discussion, Commissioner Walker moved and Commissioner Woodard seconded to approve the application with the conditions listed in the staff report. No opposition. Motion carried.

Site Plan Review in CO: Corridor Overlay District for Office Building at 765 32nd Ave W (Lot 2, Block 1 of Eagle Run Plaza 12th Addition), City of West Fargo, North Dakota – Oak Ridge



Office Park LLC. After discussion, Commissioner Woodard moved and Commissioner Walker seconded to approve the application with the conditions listed in the staff report. No opposition. Motion carried.

Commissioner Kolb opened a Public Hearing - A21-20 Conditional Use Permit for off-premise sign in the EMU: Entertainment Mixed Use District at 2900 Sheyenne Street (Lot 1, Block 1 of Eagle Run Plaza 11th Addition), City of West Fargo, North Dakota – Bullis. The Public Hearing was closed. After discussion, Commissioner Walker moved and Commissioner Rakow seconded to approve the application with the four conditions listed in the staff report. Commissioner Thorstad abstained from the vote. No opposition. Motion carried.

There were no non agenda items. Maegin Elshaug is no longer with the City of West Fargo. The Main Street Summit is currently taking place in West Fargo.

Commissioner Rakow and Commissioner Thorstad seconded to adjourn. No opposition. Meeting adjourned.

Planning and Zoning Commission meetings are published on YouTube City of West Fargo Channel; and are also included in our video archive at <https://www.westfargond.gov/AgendaCenter/Planning-Zoning-Commission-4>.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.515.5370. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of West Fargo Web site at www.westfargond.gov/Planning-Zoning-Commission-4.

STAFF REPORT

A21-39 REPLAT	
River's Bend at the Preserve 8 th Addition	
Lots 11-13, Block 1 of Rivers Bend 4 th Addition, City of West Fargo, North Dakota	
Owner/Applicant: Dale & Mary Klein	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing	11-09-2021
City Commission:	

PURPOSE:

Replat to combine three lots into two for continued residential development

STATEMENTS OF FACT:

Land Use Classification:	G-2: Sub-Urban - Growth Sector
Existing Land Use:	Vacant
Current Zoning District(s):	R-1A: Single Family Dwellings
Zoning Overlay District(s):	n/a
Proposed Lot size(s) or range:	14,210 to 28,461 ft ²
Adjacent Zoning Districts:	R-1A: Single Family Dwellings
Adjacent street(s):	River's Bend Drive East (Local)
Adjacent Bike/Pedestrian Facilities:	Sidewalks and Trail facility to west along the Sheyenne River
Available Parks/Trail Facilities:	River's Bend facilities within ¼ mile

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application and proposed plat.
- The replat is necessary for minor lot line adjustments to provide for continued development.
- The new lots will be required to meet the current zoning district requirements.
- The applicant is proposing combine two lots (proposed Lot 1) into one and allow for a minor lot line adjustment on proposed Lot 2.
- The proposed replat does not affect any public easements or rights of ways.

NOTICES:

Sent to: Applicable agencies and departments

Comments Received:

- City Engineer indicated that water and sewer services would need to be properly abandoned as has been required for previous plats which combined lots.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The proposed application is consistent with the City plans and ordinances.

STAFF REPORT

RECOMMENDATIONS:

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Utilities are reviewed and any obsolete utilities for the combined lot be abandoned or removed in accordance with city standards, as directed by the Department of Public Works and the Engineering Department.
2. An updated drainage plan is approved by the City Engineer.
3. An Attorney Title Opinion to the City of West Fargo is received.
4. Signed Final Plat is received with any necessary easements.
5. A certificate is received showing taxes are current.

PLAT OF
RIVER'S BEND AT THE PRESERVE EIGHTH ADDITION
TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 11 THROUGH 13, BLOCK 1, RIVER'S BEND AT
THE PRESERVE FOURTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

JACOB R. DUCHSHERER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "RIVER'S BEND AT THE PRESERVE EIGHTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 11 THROUGH 13, BLOCK 1, RIVER'S BEND AT THE PRESERVE FOURTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT THE EXTERIOR BOUNDARY LINES OF SAID ADDITION ARE DESCRIBED AS FOLLOWS, TO WIT:

LOTS 11 THROUGH 13, BLOCK 1, RIVER'S BEND AT THE PRESERVE FOURTH ADDITION TO THE CITY OF WEST FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 42,671 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

JACOB R. DUCHSHERER
REGISTERED LAND SURVEYOR
REG. NO. LS-28251



STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JACOB R. DUCHSHERER, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "RIVER'S BEND AT THE PRESERVE EIGHTH ADDITION" TO THE CITY OF WEST FARGO, A REPLAT OF LOTS 11 THROUGH 13, BLOCK 1, RIVER'S BEND AT THE PRESERVE FOURTH ADDITION TO THE CITY OF WEST FARGO, CASS COUNTY, NORTH DAKOTA, THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF JACOB R. DUCHSHERER, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

OWNERS:

DALE KLEIN

MARY KLEIN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DALE KLEIN AND MARY KLEIN, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2021.

JOSEPH F. KOLB, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOLB, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2021.

BERNIE L. DARDIS, PRESIDENT OF
THE WEST FARGO CITY COMMISSION

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND TINA FISK, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2021.



DUSTIN T. SCOTT, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DUSTIN T. SCOTT, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL

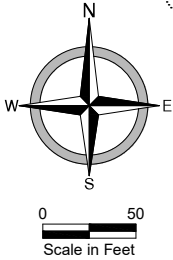
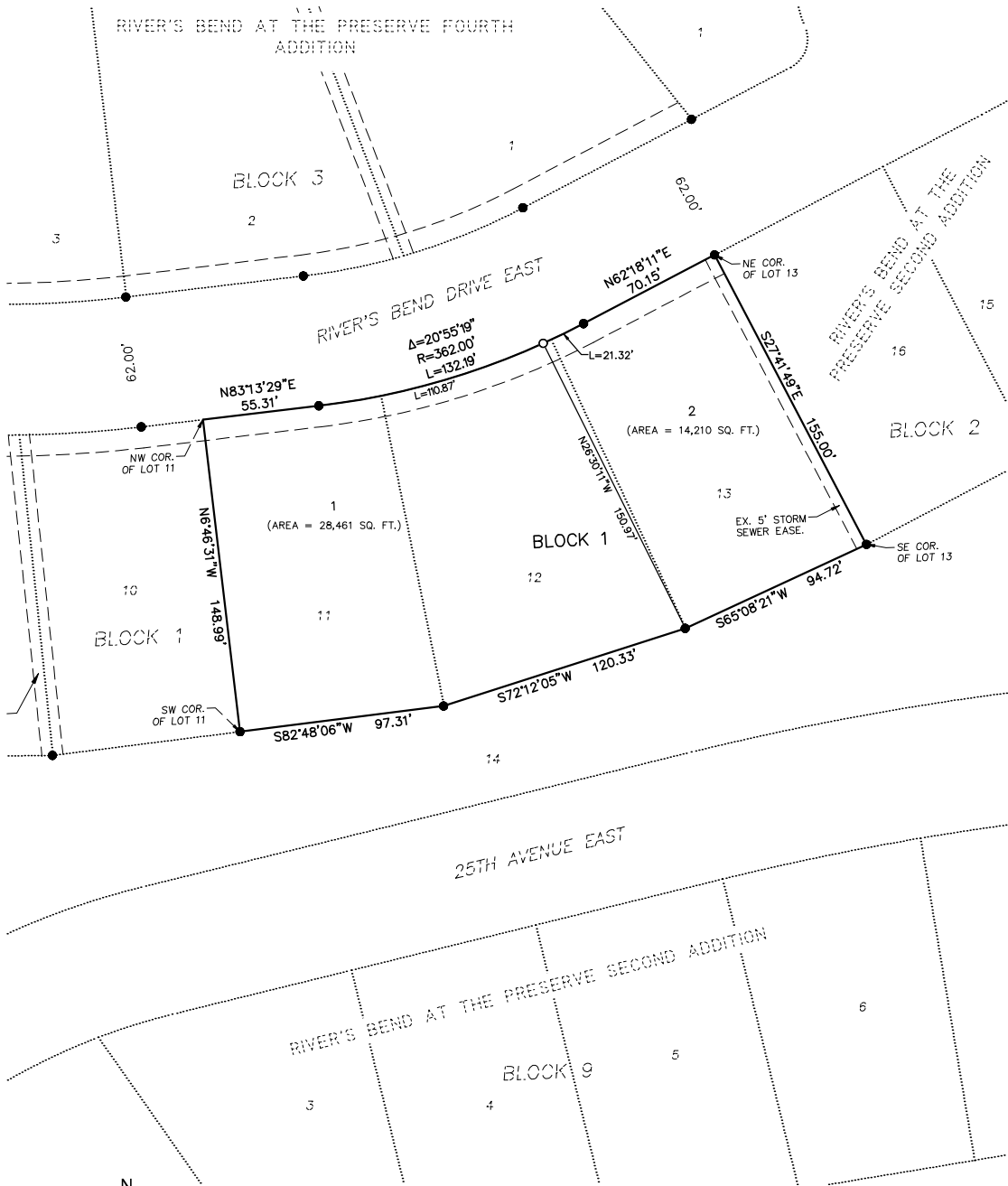
I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____, 2021.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, CITY ATTORNEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:
RIVER'S BEND AT THE
PRESERVE FOURTH ADDITION
TO THE CITY OF WEST FARGO
ACCORDING TO THE RECORDED
PLAT THEREOF.

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH
YELLOW PLASTIC CAP #28251

From: [Dustin T. Scott](#)
To: [Lisa A. Sankey](#)
Cc: [Mark A. Housh](#); [Jerrold F. Wallace](#); [Timothy P. Solberg](#)
Subject: RE: Proposed River's Bend at the Preserve 8th Addition
Date: Thursday, October 21, 2021 11:38:35 AM

Lisa,

My first comment is that they will need to properly abandon water and sewer services just as we required for prior plats that combined lots.

Thanks!

Dustin T. Scott, PE

City Engineer, City of West Fargo
(701) 515-5103
Visit our website at:
westfargond.gov

From: Lisa A. Sankey <Lisa.Sankey@westfargond.gov>

Sent: Thursday, October 21, 2021 8:44 AM

To: Brendan.Christenson@CenturyLink.com; Wayne.Reynolds@CenturyLink.com; LewisC@casscountynd.gov; Denis E. Otterness <Denis.Otterness@westfargond.gov>; Matthew C. Andvik <Matthew.Andvik@westfargond.gov>; Dan R. Fuller <Dan.Fuller@westfargond.gov>; Nicholas R. Lee <Nick.Lee@westfargond.gov>; Mark A. Housh <Mark.Housh@westfargond.gov>; asizer@kwh.com; fargoconstruction@cableone.biz; ron_deutz@mmi.net; Matt Welle <MWelle@mooreengineeringinc.com>; barb erbstoesser (barb@wfparks.org) <barb@wfparks.org>; bhoffart@minnkota.com; tony_geffre@mmi.net; Pierre A. Freeman <Pierre.Freeman@westfargond.gov>; Tina M. Fisk <Tina.Fisk@westfargond.gov>; Dustin T. Scott <Dustin.Scott@westfargond.gov>; Delliven K. Sprecher <Dell.Sprecher@westfargond.gov>; LEMER@west-fargo.k12.nd.us; Thomas J. Clark <Thomas.Clark@westfargond.gov>; John Shockley <JShockley@OhnstadLaw.com>; Jeffrey.D.Miller@nd.nacdn.net; pwindjue@kwh.com; comes@kwh.com; wkronberg@kwh.com; Travis F. Genty <Travis.Genty@westfargond.gov>; Roberto.J.Ybarra@usps.gov; Charles.grummons@centurylink.com; Benson, Jason <BensonJ@casscountynd.gov>; Jerrold F. Wallace <Jerry.Wallace@westfargond.gov>; Chanda M. Erickson <Chanda.Erickson@westfargond.gov>; sara.m.brewster@xcelenergy.com; LBACHMEIER@west-fargo.k12.nd.us; Shane.W.Sager@usps.gov; Hans.B.Luft@usps.gov; Logan R. Jacobson <Logan.Jacobson@westfargond.gov>; Lauren M. Orchard <Lauren.Orchard@westfargond.gov>; puppeg@casscountynd.gov; Troy A. Opsahl <Troy.Opsahl@westfargond.gov>; 'justin@wfparks.org' <justin@wfparks.org>; josh@wfparks.org; Andrew J. Wrucke <Andrew.Wrucke@westfargond.gov>; MEdinger@rrrdc.com; Timothy P. Solberg <Tim.Solberg@westfargond.gov>

Subject: Proposed River's Bend at the Preserve 8th Addition

Attached please find information regarding River's Bend at the Preserve 8th Addition. This will be reviewed at the November 9th Planning Commission meeting.

STAFF REPORT

A21-40 REZONING & CONDITIONAL USE PERMIT	
120 1 st Street	
Lot 9, Block 7 of Sukuts Estates Subdivision, City of West Fargo, North Dakota	
Applicant: Nathan & Jenifer Mastrud Owner: Richard & Nancy Callender	Staff Contact: Lisa Sankey
Planning & Zoning Commission Public Hearing:	11-09-2021
City Commission Public Hearing & 1 st Reading:	
2 nd Reading and Final Plat Approval:	

PURPOSE:

Rezone from R-1: One & Two Family Dwellings to C: Light Commercial to allow for a body art studio and Conditional Use Permit to allow for apartment above a commercial establishment.

STATEMENTS OF FACT:

Land Use Classification:	G-4A Core-Retrofit Growth Area
Existing Land Use:	Former Dental Clinic with Living Quarters
Current Zoning District(s):	R-1: One & Two Family Dwellings
Zoning Overlay District(s):	n/a
Proposed Zoning District(s):	C: Light Commercial
Total area size:	7,000 square feet
Adjacent Zoning Districts:	North – C: Light Commercial South, East & West – R-1: One & Two Family Dwellings
Adjacent street(s):	1 st Street (Collector Street); 2 nd Ave W (Local); Alley
Adjacent Bike/Pedestrian Facilities:	Sidewalks
Available Parks/Trail Facilities:	Herb Tintes Park within .3 miles
Land Dedication Requirements:	n/a

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for rezoning an existing structure to C: Light Commercial and a conditional use permit to allow an apartment above a commercial establishment.
- In 2019 the dental clinic, which had been at this location since 1950 relocated to a different site. Medical and Dental Clinics are considered a conditionally permitted use in the R-1: One & Two Family Dwelling District
- The applicant is proposing to rezone the property to operate a body art studio with hours of operation of 10 am to 6 pm Monday through Saturday by appointment only with no more than 5 artists.
- The applicant is also proposing to continue to utilize the living quarters on the second floor. With the proposed zoning change, a conditional use permit would be required to allow an apartment above a commercial establishment.
- Parking for the business is required to be one space per 250 square feet of gross floor area, which would be six spaces and two for the residential use. Four parking spaces are provided within the

STAFF REPORT

garages, with additional off-street parking provided on a parking slab on the north side of the property and in front of the garages.

NOTICES:

Sent to: Property owners within 350' and applicable agencies and departments

Comments Received:

- A call was received asking for more information with no concerns.
- An email was received in support of the request.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - No concerns noted.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted.
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - The proposed development is located between commercial zoning on the north and was previously a dental clinic.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The comprehensive plan encourages investing in older neighborhoods closer to the downtown area and an increased mix of uses through the rehabilitation of buildings and infrastructure being a priority.
- The Core - Retrofit Growth Sectors are areas that are mostly developed but still contain underutilized parcels. They were developed in a conventional, auto-oriented suburban pattern.

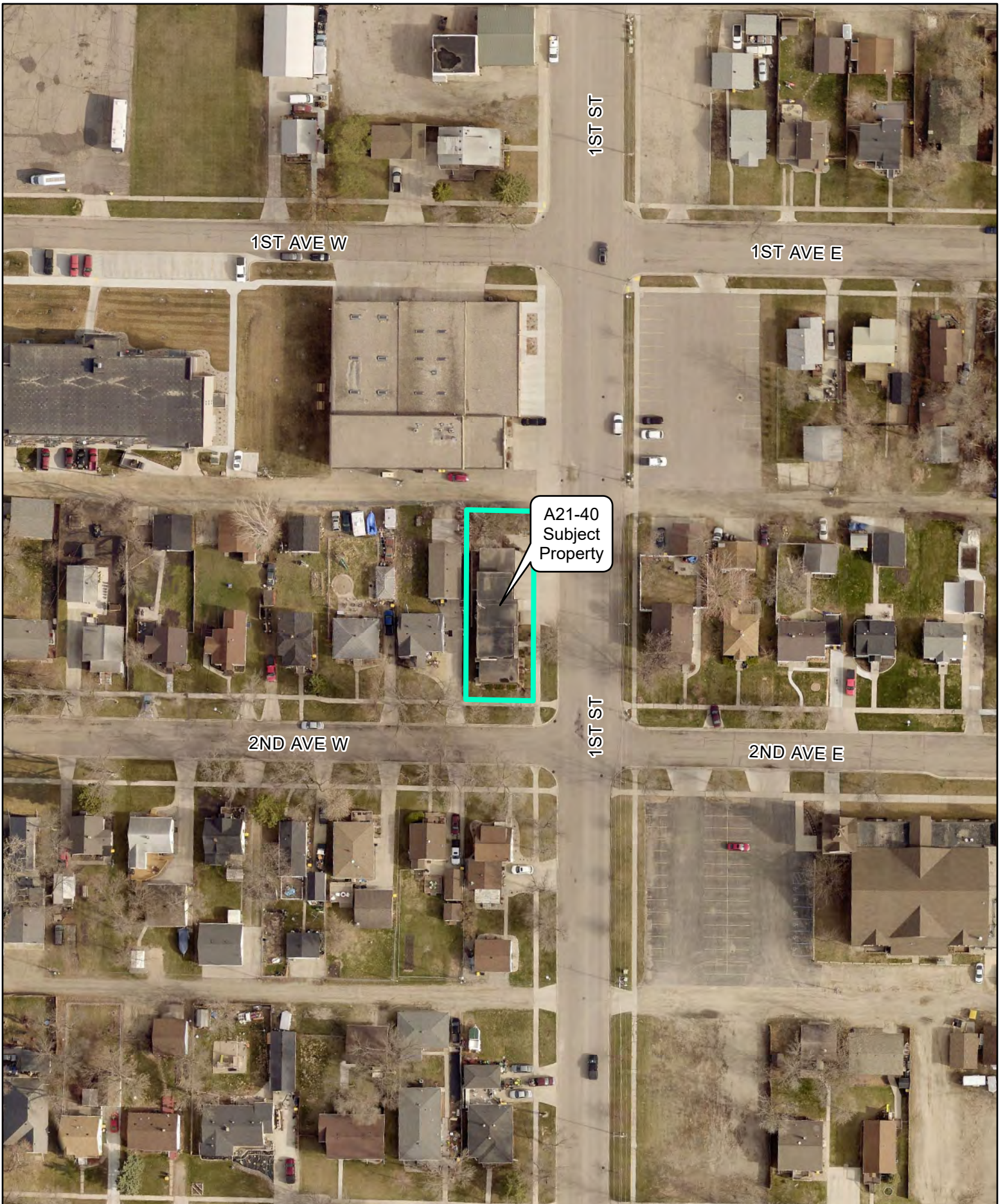
STAFF REPORT

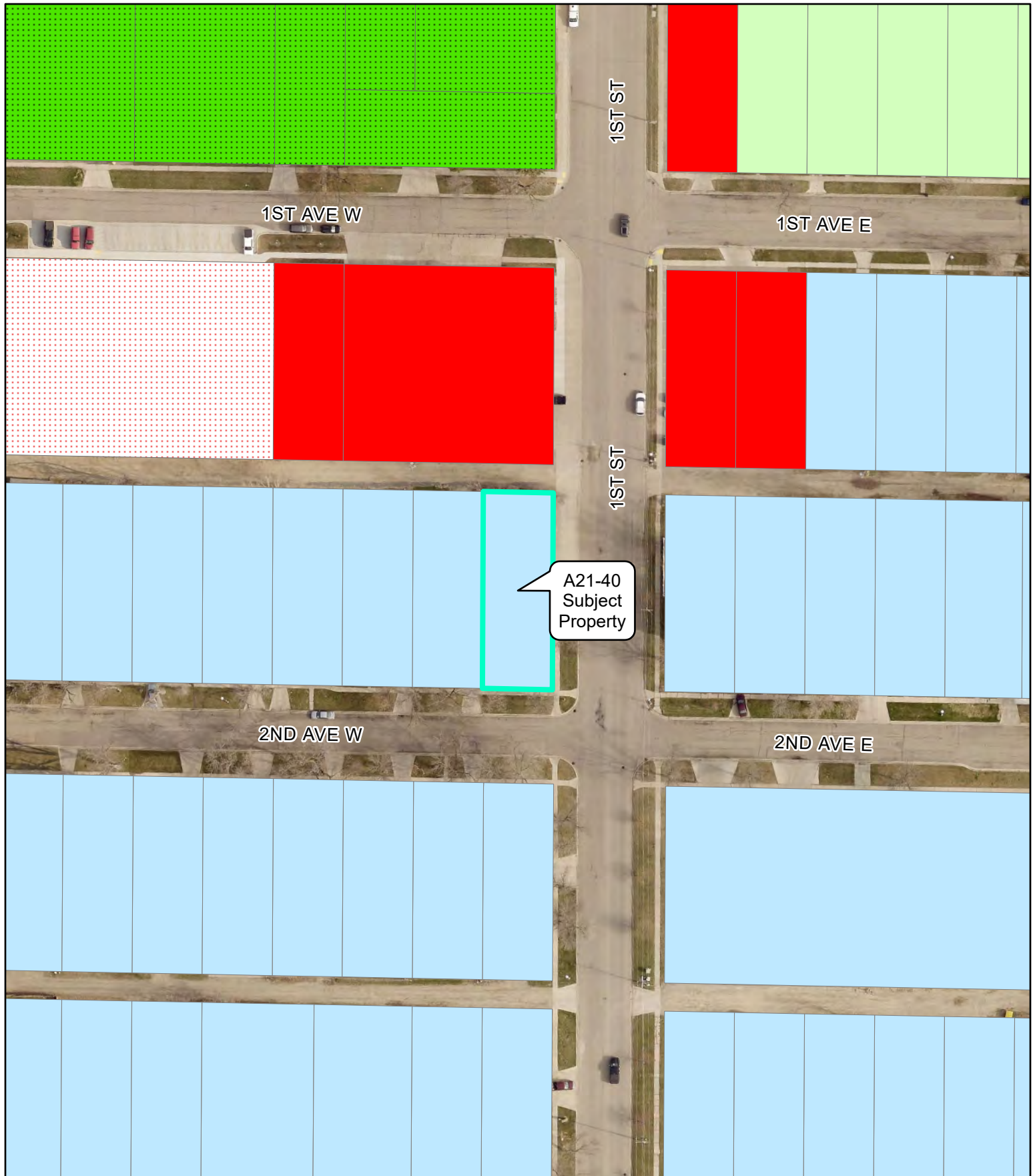
New development, redevelopment, or the reuse of existing land and buildings should be encouraged to better meet the local goal of achieving more walkable and bikeable corridors and a better-connected village core. Additional growth and development within West Fargo is most desirable within these areas due to the presence of existing infrastructure and proximity of services. The plan envisions that most mixed-use development in the next decades will occur in this growth sector.

RECOMMENDATIONS:

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. A signed Conditional Use Permit Agreement is received.





West Fargo Zoning

- A: Agricultural
- C: Light Commercial
- C-OP: Commercial Office Park
- DMU: Downtown Mixed Use
- EMU: Entertainment Mixed Use
- HC: Heavy Commercial

- LI: Light Industrial
- M: Heavy Industrial
- P: Public
- PUD: Planned Unit Development
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential



Comments

07/15/1997

General Remodeling

BL19970133

41,000

IMPORTED HISTORICAL

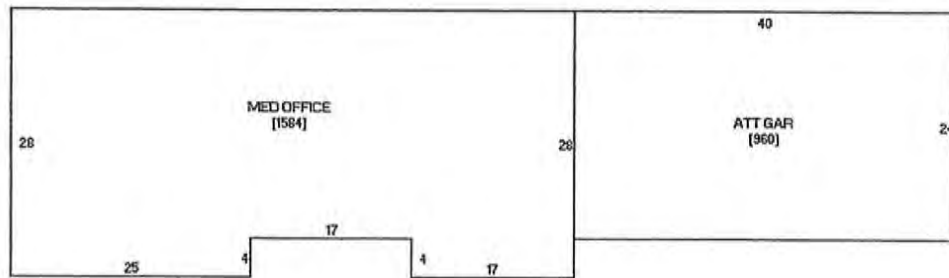
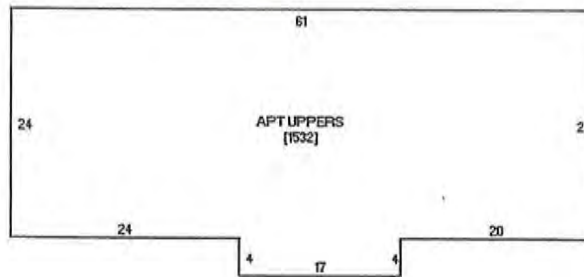
Building Permit Information is for assessment purposes only and may NOT represent valid permits or satisfactory completion of work. For more information please contact the West Fargo Building Department at 701-515-5380 or visit their [website](#).

5' (ft)

Click [here](#) for Abbreviation Key

Σ

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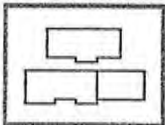
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m

Sketch of Pin 02-2100-01040-000

1 / 1



Full View

GIS Map Information

Note:

We will not be changing the foot print of the existing structure.

September 21st 2021

From: Richard and Nancy Callender

| Callender Nygard Dentistry | 120 1st Street | West Fargo | North Dakota | 58078

To: West Fargo Zoning and Planning Commission

| 800 Fourth Avenue East Suite 1 | West Fargo | North Dakota | 58078

Dear Members of the West Fargo Zoning and Planning Commission:

This letter is intended to serve, as notice, that we understand and support the potential buyers, Nathan and Jenifer Mastrud, of our property located at 120 1st Street West Fargo, in seeking the request to rezone Lot 9 Block 7 Sukut Estates.

The buyers are requesting a change from the current R-1 zoning of the Callender Professional Building to *Light Commercial* on the main floor, which served as a dental clinic for the last 25 plus years. They also request to maintain the *Conditional Use Permit* to allow residential living spaces on the 2nd floor of the address listed above.

If you should happen to have any questions for us, please reach out and we would be happy to answer any questions you may have.

Sincerely,

X Richard Callender

Richard Callender /Phone Number: (701) 866-9705

X Nancy Callender

Nancy Callender/Phone Number: (701) 861-8409

From: [Justin Loomis](#)
To: [{All-City Planning}](#)
Subject: RE: proposed rezoning and conditional use permit
Date: Friday, October 29, 2021 9:28:09 PM

We, at 126 2nd Ave E, West Fargo, ND 58078, support the rezoning from R-1: One & Two Family Dwellings to C: light commercial, etc for 120 1st Street.

Thank you,

Justin & Lori Loomis

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

STAFF REPORT

A21-41		CONDITIONAL USE PERMIT	
2016 Ann Street			
Lot 4, Block 2 of Woodland Estates Subdivision, Cass County, North Dakota			
Owner/Applicant: Keith and Tiffany Knoke		Staff Contact: Malachi Petersen	
Planning & Zoning Commission Public Hearing:		11-09-2021	
City Commission:			

PURPOSE:

Construct a 38 x 74 (2,843 square foot) oversized accessory building for personal storage in a rural estate zoned district located in the city's extraterritorial area.

STATEMENTS OF FACT:

Land Use Classification:	G-1 – Sub Urban – Restricted Growth Sector (ETJ)
Existing Land Use:	Single Family Dwelling
Current Zoning District(s):	R-1E: Rural Estate District
Zoning Overlay District(s):	n/a
Total area size:	3.13 Acres
Adjacent Zoning Districts:	R-1E: Rural Estate District
Adjacent street(s):	Ann Street (Local)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None
Park Dedication Requirements:	N/A

DISCUSSION AND OBSERVATIONS:

- The applicant has submitted an application for a Conditional Use Permit for the purpose of building a 2,843 square foot oversized accessory building for personal storage in a rural estate zoned district located in the City's extraterritorial (ET) area about 1 ½ miles north of West Fargo City Limits.
- The R-1E: Rural Estate zoning district allows for accessory structures greater than 1,000 ft² as a conditional use provided they are in character with the development pattern of the subdivision they are in.
- The applicant has provided a site plan which shows the new accessory structure will be built in the rear yard.
- There is a 100' required riverbank control setback which the proposed building appears to meet.
- Accessory structures over 1,000 ft² have been conditionally approved in the past for rural subdivisions provided they are in character with the development pattern of the subdivision. The applicant has submitted elevations with his application show the exterior finish would be similar to the primary residence.
- In the past conditional use permits were approved in this area for 2,160 to 2,400 square foot accessory buildings.
- In recent years there have been two 2,400 ft² accessory buildings approved in the Selberg subdivisions, which is ½ mile north of this development

STAFF REPORT

- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.
- The area is within a Special Flood Hazard Area (SFHA). According to the Flood Hazard Layer FIRM the majority of the property the applicant intends to build on is located in the AE designated zone and has a Base Flood Elevation of about 899.2 feet. City of West Fargo Floodplain Development Regulations will require the applicant to construct any proposed buildings at 2.5' above BFE. Any development will be required to meet all applicable Federal, State, and Local regulations, which may have changed since the existing home was constructed. Attached is the FIRM map for this location, along with the preliminary flood map for reference.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - The property has adequate access and the improvements will not affect the current access.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - No concerns noted.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - The land adjacent to this area is R-1E: Rural Estate District and similar style and sized accessory buildings have been previously approved within the subdivision.

NOTICES:

Sent to:	Property Owners within 350 feet; Applicable Agencies and Departments, including Reed Township officials, Cass County Planning and the Cass County Sanitarian.
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Comments Received:

- Fargo-Cass Public Health reviewed the property and has determined the proposed building will not impact the home's septic system.

STAFF REPORT

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The Sub-Urban - Restricted Growth Sector includes areas between the current and proposed diversion that may have new development potential should the new diversion be built. The G-1 area identifies significant tracts of land that are currently rural, but where directed and well-planned new development could occur around the identified potential Future Mixed-Use and Employment Centers.
- The application is providing an accessory to an existing use and therefore the application may be considered consistent with the Comprehensive Plan.


RECOMMENDATIONS:

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. The accessory building is constructed of the same color and materials as the primary residential structure.
2. A Signed Conditional Use Permit Agreement is received.
3. Any building permits should follow the preliminary flood map which will require percent allowable fill on any development.
4. The applicant is to meet all Federal, State, and Local requirements for improvements to the site and structures.








West Fargo Zoning

- A: Agricultural
- C: Light Commercial
- C-OP: Commercial Office Park
- DMU: Downtown Mixed Use
- EMU: Entertainment Mixed Use
- HC: Heavy Commercial

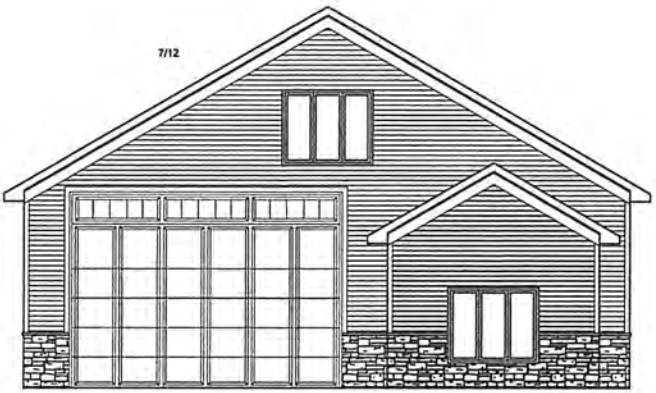
- LI: Light Industrial
- M: Heavy Industrial
- P: Public
- PUD: Planned Unit Development
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential

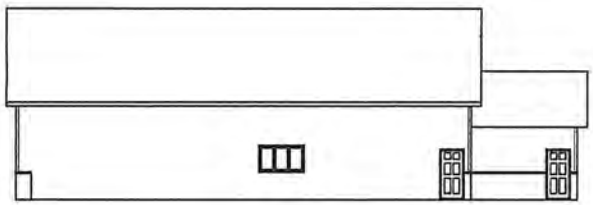


N

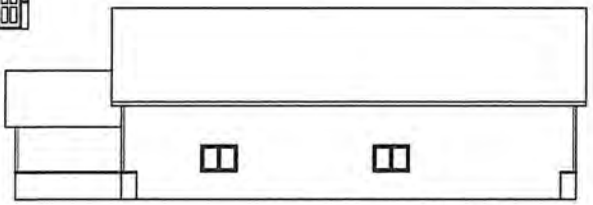




FRONT ELEVATION
SCALE: 1/8" = 1'-0"



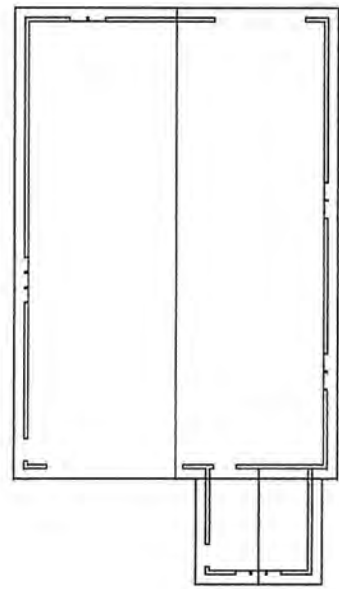
LEFT ELEVATION
SCALE: 1/16" = 1'-0"



RIGHT ELEVATION
SCALE: 1/16" = 1'-0"



REAR ELEVATION
SCALE: 1/16" = 1'-0"



ROOF PLAN
SCALE: 1/16" = 1'-0"

PROJECT	REVISIONS:
GARAGE	
JO3014	5.21.18
MONTE	10.4.18
JASON	11.1.18
DATE:	.
4.21.17	.
TOTAL S.F.	.

Crane Johnson
Lumber Co.
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DISCLAIMER OF WARRANTIES
THIS DRAWING IS A PRELIMINARY DESIGN AND NOT A CONTRACT. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND TO VERIFY THE ACCURACY OF ALL INFORMATION PROVIDED. NO WARRANTY IS MADE BY THE ARCHITECT FOR THE ACCURACY OF THE INFORMATION PROVIDED OR FOR THE RESULTS OF THE DESIGN. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR FOR ANY OTHER DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING OUT OF OR IN CONNECTION WITH THE PERFORMANCE OF THE SERVICES. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE BUILDING AND TO THE MATERIALS SPECIFIED THEREIN.

CONTRACTOR
ADDRESS HERE

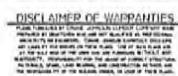
PRELIMINARY PLAN UNTIL SIGNED
BY CONTRACTOR OR OWNER
I ACCEPT THIS PLAN AS DRAWN
NAME _____ DATE _____

2

KNOKE GARAGE
ADDRESS HERE ?
FARGO, ND

၁၁

NAME _____ DATE _____



REVISIONS
5.21.18
10.4.18
11.1.18
.
.
.

National Flood Hazard Layer FIRMMette



96°54'44"W 46°54'41"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

Without Base Flood Elevation (BFE)
Zone A, V, A99

With BFE or Depth *Zone AE, AO, AH, VE, AR*

Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*

Future Conditions 1% Annual Chance Flood Hazard *Zone X*

Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*

Area with Flood Risk due to Levee *Zone D*

OTHER AREAS OF FLOOD HAZARD

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*

Future Conditions 1% Annual Chance Flood Hazard *Zone X*

Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*

Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

NO SCREEN Area of Minimal Flood Hazard *Zone X*

Effective LOMRs

Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

OTHER FEATURES

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

MAP PANELS

Digital Data Available

No Digital Data Available

Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/3/2021 at 10:34 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Page 24 of 52

NOTES TO USERS

This map is for use in determining the National Flood Insurance Program's (NFIP) flood insurance coverage. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources or small creeks. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Differential Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only to landward of 0.57 North American Vertical Datum of 1988 (NAVD 88). Users of the FIRM should be aware that coastal flood elevations are also provided in the Summary of Differential Elevations table in the Flood Insurance Study report for the jurisdiction. Elevations shown in the Summary of Differential Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for the jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for the jurisdiction.

The projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 14. The horizontal datum was NAD83. GRS-80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FISs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov/> or contact the National Geodetic Survey at the following address:

NGS Information Services
NCEM, NCEM-210
National Geodetic Survey
5500 Shattuck Avenue
Silver Spring, MD 20910-2292

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242 or visit its website at <http://www.ngs.noaa.gov/>.

Base map information shown on this FIRM was provided by the Cass County GIS Department. Topographic data is current as of 2013. Political boundaries are current as of 2013.

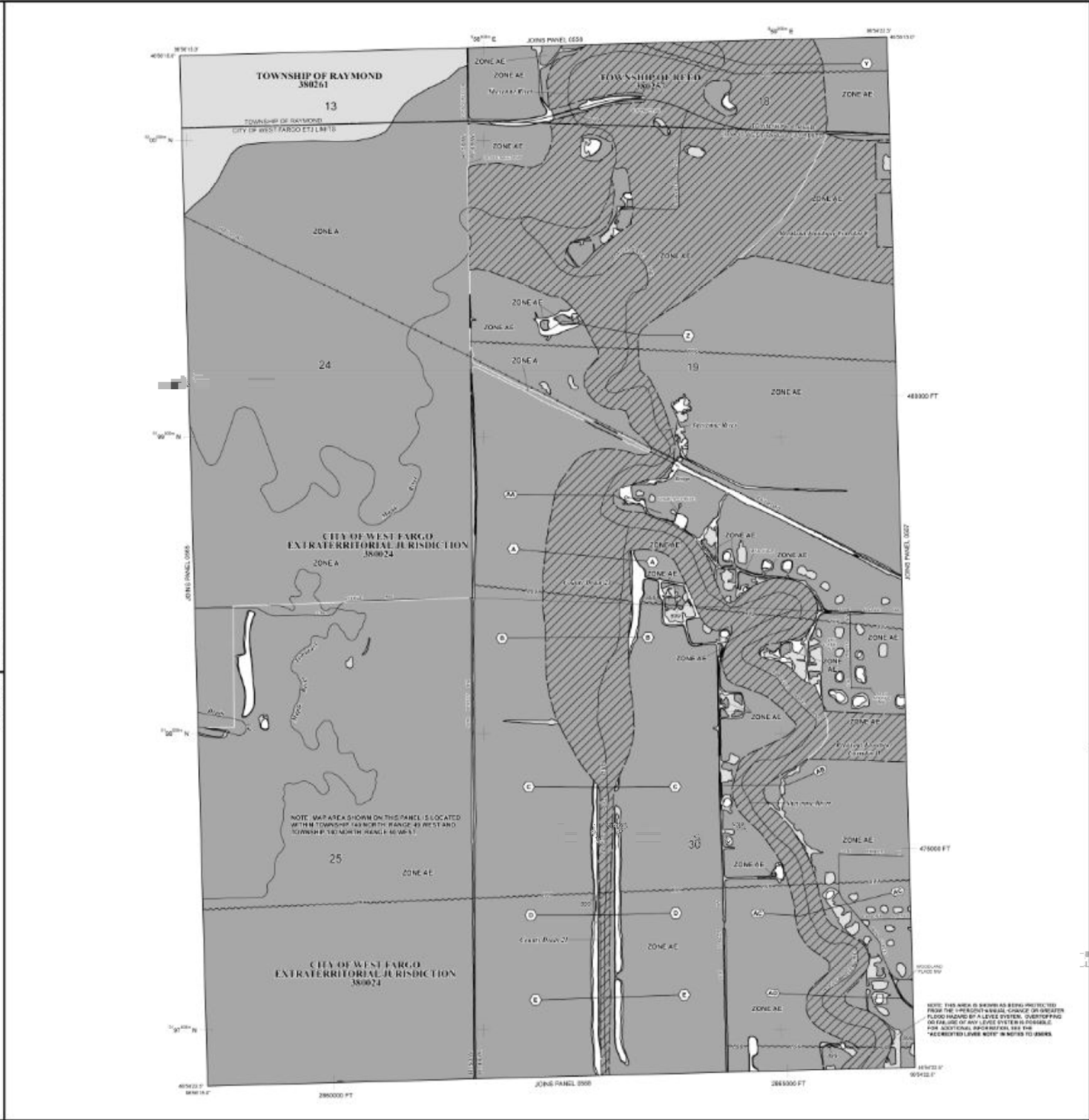
This map may reflect more detailed or up-to-date stream channel configurations than those shown on the previous FIRM. The floodplains and floodways that were delineated from the previous FIRM may have been adjusted to conform to these more stream channel configurations and improved topographic data. The profile boundaries depicted on this map represent the hydraulic modeling boundaries that match the flood profile and floodway data tables it applies to in the FIS report. As a result, the profile boundaries may deviate significantly from the base map stream channel representation and may appear outside of the floodplains.

Corporate limits shown on this map are based on the best data available at the time of publication. Boundary changes due to annexations or de-annexations may have occurred after this map was published; map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels, community map repository addresses, and a listing of communities with National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

For information and questions about this map, available products associated with this FIRM, including technical services of the FIRM, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information Exchange at 1-877-FEMA-9100 (1-877-368-9100) or visit the FEMA Map Service Center website at <http://www.fema.gov>. Available products may include previously issued letters of map change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website. Users may approve the current map date for open FIRM panel by visiting the FEMA Map Service Center website or by calling the FEMA Map Information Exchange.

Accredited License Notes to Users: Check with your local community to obtain more information, such as the estimated level of protection provided (which may exceed the 1-percent annual chance level) and Emergency Action Plan, on the levee system(s) shown as providing protection for areas on this panel. To mitigate flood risk in residual risk areas, property owners and residents are encouraged to consider flood insurance and floodproofing or other protective measures. For more information on flood insurance, interested parties should visit the FEMA website at <http://www.fema.gov/business/firm/index.cfm>.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SHHA) SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood) also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. Special Flood Hazard Areas in the map subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AV, and VE. The base flood elevation is the water surface elevation of the 1% annual chance flood.

ZONE A No Base Flood Elevations determined.

ZONE AE Base Flood Elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding). Base Flood Elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually areas of ponding). Base Flood Elevations determined.

ZONE AR Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that has subsequently deteriorated. Zone AR indicates that the former flood control system is being retained to provide protection from the 1% annual chance or greater flood.

ZONE AV Areas to be protected from the 1% annual chance flood by a Federal flood protection system under construction. No Base Flood Elevations determined.

ZONE VE Coastal flood zone with velocity hazard (wave action). No Base Flood Elevations determined.

COASTAL FLOOD ZONE WITH VELOCITY HAZARD (WAVE ACTION) No Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

This floodway is the channel of a stream plus any adjacent floodplain area that must be kept free of encroachment so that the 1% annual chance flood can be carried without excessive increases in flood heights.

OTHER FLOOD AREAS

ZONE B Areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from the 1% annual chance flood.

OTHER AREAS

ZONE S Areas determined to be outside the 0.2% annual chance floodplain. Areas in which flood heights are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPA)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

— Floodplain boundary

— Floodway boundary

— Zone A boundary

— Zone AE boundary

— Zone AH boundary

— Zone AO boundary

— Zone AR boundary

— Zone AV boundary

— Zone VE boundary

— Base Flood Elevation line and water elevation in feet

— Base Flood Elevation value where uniform within zone, elevation in feet

— Elevation to the North American Vertical Datum of 1988 (NAVD 88)

— Cross section line

— Transit line

— Geographic coordinates referenced to the North American Datum of 1983 (NAD 83)

— 1000-meter Universal Transverse Mercator grid line, zone 14

— 3000-foot grid line: North Dakota State Plane coordinate system, zone 14N (NAD83 2011) United States GCS

— Bench mark (see explanation in notes to data section of this FIRM report)

— **Map Index**

MAP INFORMATION

Refer to Map Information for Map Index

EFFECTIVE DATE OF COUNTY-WIDE FLOOD INSURANCE RATE MAP

JANUARY 16, 2015

EFFECTIVE DATE OF FIRM PANEL 0566G

JANUARY 16, 2015

No community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-338-6625.

MAP SCALE 1" = 66'

0 100 200 300 FEET

0 100 200 300 METERS

NFIP

PANEL 0566G

FIRM

FLOOD INSURANCE RATE MAP

CASS COUNTY,

NORTH DAKOTA

(ALL JURISDICTIONS)

PANEL 566 OF 565

USE MAP INDEX FOR FIRM PANEL LAYOUT

CONTING. COMMUNITY	NUMBER	PANEL	OUTLINE
PARSONS TOWNSHIP OF	05001	0500	0
PRICK TOWNSHIP OF	05001	0500	0
WEST FARGO, CITY OF	05001	0500	0

Notes to Users: The Map Number shown below should be used when citing this map. The Community Number shown above should be used in citations appropriate for the subject community.

MAP NUMBER

38017C0566G

EFFECTIVE DATE

JANUARY 16, 2015

Federal Emergency Management Agency

STAFF REPORT

A21-42 Subdivision/Conditional Use Permit	
Gensler Subdivision	
S ½ of Section 26, T139N, R50W, Cass County, North Dakota	
Applicants: Cathy Selberg Owner: Gensler Family Limited Partnership	Staff Contact: Malachi Petersen
Planning & Zoning Commission Public Hearing:	11/09/2021
City Commission Final Plat Approval:	

PURPOSE:

Plat and Conditional Use Permit to allow for a single-family dwelling in an agriculturally zoned district.

STATEMENTS OF FACT:

Land Use Classification:	C-1: Deferred Development Sector (ETJ)
Existing Land Use:	Vacant
Current Zoning District(s):	A: Agricultural
Zoning Overlay District(s):	NA
Total area size:	9.18 acres
Adjacent Zoning Districts:	A: Agricultural
Adjacent street(s):	40 th Avenue W (Arterial)
Adjacent Bike/Pedestrian Facilities:	None
Available Parks/Trail Facilities:	None

DISCUSSION AND OBSERVATIONS:

- The property is located in the City's extraterritorial (ET) area about half a mile west of West Fargo City Limits.
- The proposed use of a non-farm single family dwelling is considered a conditional use within the Agricultural District subject to the property being platted.
- Conditions for approval for lot size of less than 40 acres if the surrounding ¼, ¼ section or legal lot of record is deed restricted to prevent development until the area is annexed and city services are extended to the area.
- The property is about 9 acres. The surrounding 31 acres of land will need to be deed restricted to prevent further development.
- The City currently has no utilities in this area, nor does it provide any services. Current and future owners will need to provide utilities at this location, including but not limited to water and septic.
- The property is located west of the current alignment of the proposed FM Diversion.
- A conditional use permit agreement is required to be signed prior to issuance of a building permit and may include conditions deemed appropriate by the Commission.
- Public land dedication is required pursuant to 4-0407 of City Ordinances. Given the majority of the area is proposed to remain undeveloped, staff offers for consideration the ability to defer the public land dedication or fee-in-lieu to which time when the property is either re-subdivided or is further developed upon. It would be staff's recommendation that this deferral be part of an agreement recorded against the subdivision.

STAFF REPORT

- The area is within a Special Flood Hazard Area (SFHA). According to the Flood Hazard Layer FIRM the majority of the property the applicant intends to build on is located in Zone A and has an undefined Base Flood Elevation. City of West Fargo Floodplain Development Regulations will require the applicant to construct any proposed buildings at 2.5' above BFE. Any development will be required to meet all applicable Federal, State, and Local regulations. Attached is the FIRM map for this location, along with the preliminary flood map for reference.

CRITERIA FOR GRANTING CONDITIONAL USE PERMIT:

With reference to the criteria for granting conditional uses, the following is noted:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - Applicant has revised their site plan and proposed plat to include an access easement as requested by the County Engineer.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - No concerns noted
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
 - 4-448.8 would prohibit exterior storage of equipment or materials used in the occupation.
4. Utilities, with reference of locations, availability, and compatibility.
 - No concerns noted
5. Screening and buffering with reference to type, dimensions, and character.
 - No concerns noted
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - No concerns noted
7. Required yards and other open space.
 - No concerns noted.
8. Soil conditions, as they relate to on-site sewage disposal, water supply, basement excavating, road construction and related land use.
 - No concerns noted.
9. General compatibility with adjacent properties and other property in the district.
 - The land adjacent to this area is tilled farm land.

NOTICES:

Sent to:	Property owners within 350', Mapleton Township officials, Cass County Planning, Cass County Engineer and the Cass County Sanitarian.
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Comments Received:

- The Cass County Engineer has conditionally approved an access permit for the property provided that an access easement is added to the proposed plat. Applicant has submitted a revised site plan and plat in relation to the requirement.

STAFF REPORT

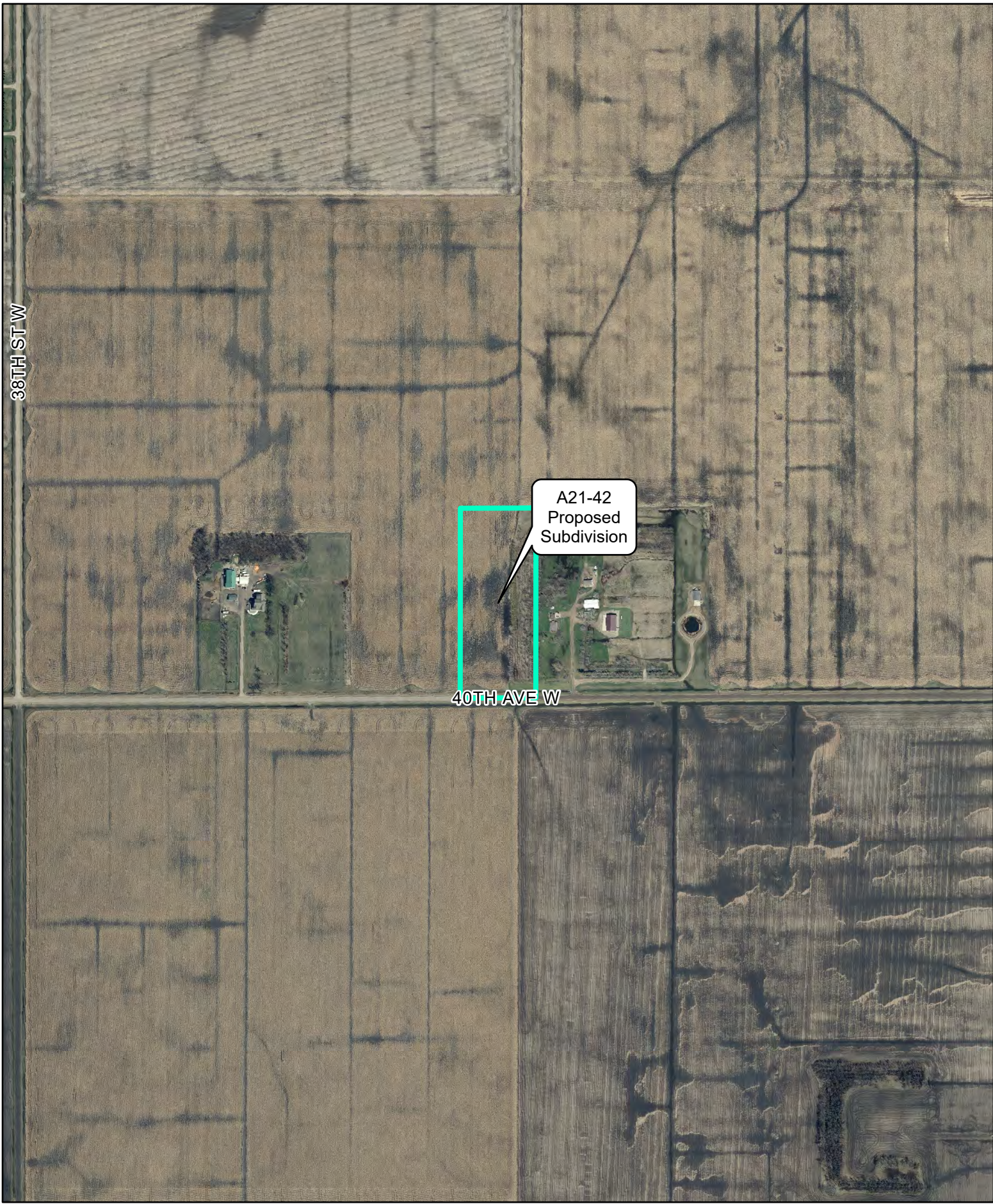
CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The Deferred Development Sector includes spaces west of the proposed Fargo-Moorhead Area Diversion Project, as well as land located in the northern section of the extraterritorial areas. At the time of the approval of West Fargo 2.0 it had not been determined what effects the project might have upon properties along the diversion and therefore it was recommended that planning and development not take place in the sector until the diversion is operational and revised flood plain maps have been made available.

RECOMMENDATIONS:

If the City approves the proposed application staff recommends conditions of approval as follows:

1. A deferral of public land dedication or fee-in-lieu effective at which time when the property is either re-subdivided or is further developed upon be part of an agreement recorded against the subdivision.
2. Any building permits should follow the preliminary flood map which will require percent allowable fill on any development.
3. The applicant is to meet all Federal, State, and Local requirements for improvements to the site and structures.
4. A signed deed restriction as approved by City Attorney, City Planner, and City Commission be received.
5. A signed Conditional Use Permit Agreement is received.
6. A drainage plan is received and approved by the City Engineer.
7. An Attorney Title Opinion to the City of West Fargo is received.
8. Signed Final Plat is received with any necessary easements.
9. A certificate is received showing taxes are current.



38TH ST W

40TH AVE W

A21-42
Proposed
Subdivision



West Fargo Zoning

- A: Agricultural
- C: Light Commercial
- C-OP: Commercial Office Park
- DMU: Downtown Mixed Use
- EMU: Entertainment Mixed Use
- HC: Heavy Commercial

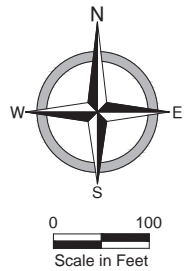
- LI: Light Industrial
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- P: Public
- PUD: Planned Unit Development
- R-L1A: Large Lot Single Family Dwelling
- R-1A: Single Family Dwelling
- R-1: One and Two Family Dwelling

- R-1SM: Mixed One and Two Family Dwelling
- R-2: Limited Multiple Dwelling
- R-3: Multiple Dwelling
- R-4: Mobile Home
- R-5: Manufactured Home Subdivision
- R-1E: Rural Estate
- R-R: Rural Residential



PLAT OF
GENSLER SUBDIVISION

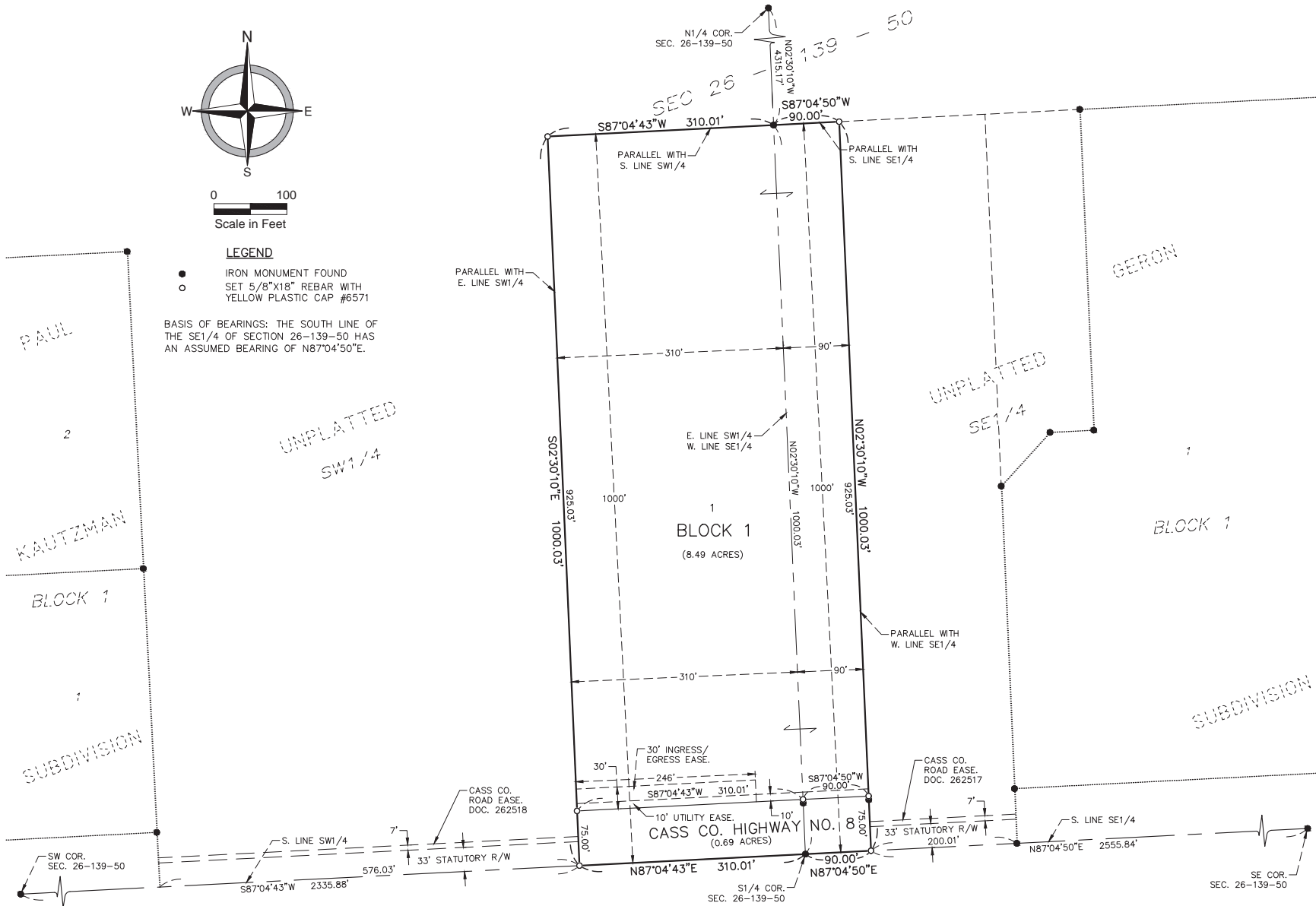
IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WEST FARGO, A PLAT OF PART OF THE
SOUTH HALF OF SECTION 26, TOWNSHIP 139 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA



LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571

BASIS OF BEARINGS: THE SOUTH LINE OF THE SE1/4 OF SECTION 26-139-50 HAS AN ASSUMED BEARING OF N87°04'50"E.



CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "GENSLER SUBDIVISION" IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WEST FARGO, A PLAT OF PART OF THE SOUTH HALF OF SECTION 26, TOWNSHIP 139 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF THE SOUTH HALF OF SECTION 26, TOWNSHIP 139 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

THE SOUTH 1000.00 FEET OF THE EAST 310.00 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 26 AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE SOUTH AND EAST LINES OF SAID SOUTHWEST QUARTER.

AND

THE SOUTH 1000.00 FEET OF THE WEST 90.00 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 26 AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE SOUTH AND WEST LINES OF SAID SOUTHEAST QUARTER.

SAID TRACT CONTAINS 9.18 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

EASEMENTS OF RECORD

- NORTHWESTERN BELL TELEPHONE COMPANY, BOOK V-5 OF MISC. PAGE 23
- CASS RURAL WATER USERS INC., BOOK C-7 OF MISC., PAGE 464
- NORTHWESTERN BELL TELEPHONE COMPANY, BOOK I-8 OF MISC., PAGE 127
- NORTHWESTERN BELL TELEPHONE COMPANY, BOOK P-8 OF MISC., PAGE 113
- CASS RURAL WATER USERS INC., DOC. 913138

STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "GENSLER SUBDIVISION" IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WEST FARGO, A PLAT OF PART OF THE SOUTH HALF OF SECTION 26, TOWNSHIP 139 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL HIGHWAYS, UTILITY AND INGRESS/EGRESS EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: GENSLER FAMILY LIMITED PARTNERSHIP

HOWARD C. GENSLER, GENERAL PARTNER

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED HOWARD C. GENSLER, GENERAL PARTNER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF GENSLER FAMILY LIMITED PARTNERSHIP.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2021.

JOSEPH F. KOLB, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSEPH F. KOLB, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2021.

BERNIE L. DARDIS, PRESIDENT OF
THE WEST FARGO CITY COMMISSION

TINA FISK, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND TINA FISK, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

WEST FARGO CITY ATTORNEY APPROVAL

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____, 2021.

JOHN T. SHOCKLEY, CITY ATTORNEY

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN T. SHOCKLEY, CITY ATTORNEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WEST FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2021.



DUSTIN T. SCOTT, CITY ENGINEER

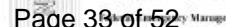
STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DUSTIN T. SCOTT, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



SHEET 1 OF 1
PROJ. NO. 21247



National Flood Hazard Layer FIRMette
























96°57'53"W 46°49'22"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000 96°57'15"W 46°48'58"N
Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|---|---|
| SPECIAL FLOOD HAZARD AREAS |  | Without Base Flood Elevation (BFE)
Zone A, V, A99 |
| |  | With BFE or Depth Zone AE, AO, AH, VE, AR |
| |  | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD |  | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| |  | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| |  | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| |  | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS |  | NO SCREEN Area of Minimal Flood Hazard Zone X |
| |  | Effective LOMRs |
| GENERAL STRUCTURES |  | Channel, Culvert, or Storm Sewer |
| |  | Levee, Dike, or Floodwall |
| OTHER FEATURES |  | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| |  | 17.5 Coastal Transect |
| |  | Base Flood Elevation Line (BFE) |
| |  | Limit of Study |
| |  | Jurisdiction Boundary |
| |  | Coastal Transect Baseline |
| MAP PANELS |  | Digital Data Available |
| |  | No Digital Data Available |
| |  | Unmapped |
| |  | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. |

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/3/2021 at 5:53 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

STAFF REPORT

A21-43**ZONING ORDINANCE AMENDMENTS**

Zoning Ordinance Amendment 4-442.6 Accessory Building and Use Provisions regarding Swimming Pools.

Applicant: City of West Fargo

Staff Contact: Malachi Petersen

Planning and Zoning Commission Public Hearing:

11/9/2021

City Commission Public Hearing & 1st Reading:

2nd Reading:

PURPOSE:

Amendments to Chapter 4 ordinances regarding swimming pools to clarify requirements for pool permitting and to add definitions for permanent and temporary pools.

DISCUSSION AND OBSERVATIONS:

- The proposed amendment adds definitions for temporary pools (containing less than 5,000 gallons or with a depth less than 2.5 feet) and permanent pools (containing more than 5,000 gallons or with a depth greater than 2.5 feet). This designation will allow homeowners to continue to own and operate small seasonal pools without the need for barriers while also clarifying the definition of a permanent pool for the purposes of regulation.
- The proposed amendment provides that a hard or soft cover for a pool does not constitute an adequate barrier.
- The proposed amendment clarifies what is considered an acceptable height for locking mechanisms for gates and other barrier openings.
- Any permanent pool built after January 1, 2022 will need to be permitted by the West Fargo Building Inspections Department and reviewed by the West Fargo Planning & Zoning Department. Appropriate informational messaging will be done prior to the ordinance going into effect.

NOTICES:

Sent to: Notice in the newspaper and to City Departments

Comments Received:

- Received multiple comments from Building Inspections, Code Enforcement, and Emergency Management concerning the proposed amendment. Planning staff worked with representatives of these departments to revise the ordinance to accommodate concerns.

CONSISTENCY WITH COMPREHENSIVE PLAN AND OTHER APPLICABLE CITY PLANS AND ORDINANCES:

- The proposed amendments do not make major substantive changes to the existing ordinances and are consistent with the Comprehensive Plan.

RECOMMENDATIONS:

Staff is recommending approval of the proposed amendment.

CHAPTER 4-200.

DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory, the word "may" is permissive.

The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel."

ACCESSORY USE OR STRUCTURE: A use structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, to include privately-owned, fenced swimming pools, and satellite dishes.

AUTO BODY WORK: Major automotive repair including, but not limited to, the straightening of frame, sanding, puttying and painting activities, and other activities which involve changes to the frame or exterior of a vehicle, except for automobile (van) conversion.

AUTOMOBILE (VAN) CONVERSION: Where changes are made to the exterior or interior of an automobile or van for the purpose of sale. Such changes may include cutting holes for windows or redoing the interior; however, such changes would not include activities as defined in "Auto Body Work."

BEHAVIORAL HEALTH CARE FACILITY: A building or portion of a building, whether private profit or non-profit, or institutional, principally engaged in providing services for inpatient and outpatient services for treatment of victims of drug addition, psychiatric, psychological, or other behavioral health condition where care may be provided on a short-term or long-term basis whose operators are licensed by the State of North Dakota or by Chapter 10-13 of the Revised Ordinances of 1990 of the City of West Fargo, but not to include hospitals.

Source: Ord. 1049, Sec. 5 (2015)

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

CHILD CARE CENTER: Any facility which is licensed as a child care center by the Department of Human Services to provide early childhood services to 13 or more children.

Source: Ord. 571, Sec. 1 (1999); Ord. 1049, Sec. 5 (2015).

CHILD CARE HOME: Any provider occupied single family dwelling (home) which is licensed as a "group child care home" or "group child care facility" by the Department of Human Services to provide early childhood services on a regular basis, and which facility has between eight (8) and twelve (12) children present, excluding the children of the childcare provider, as determined by the Department of Human Services.

Source: Ord. 1049, Sec. 5 (2015)

COMMERCIAL AGRICULTURE: The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:

- a. field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, wheat, sunflowers, and sugar beets.
- b. livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, and rabbits.
- c. livestock products, including: milk, butter, cheese, eggs, meat, fur, and honey.

CONDITIONAL USE: A use which is not appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses are allowed in a zoning district as a conditional use if specific provision for such uses is made in the zoning district regulations.

CONDOMINIUM: Individual ownership of a unit in a multiple dwelling structure.

CONVENIENCE ESTABLISHMENTS: Small establishments designed and intended to serve the daily or frequent trade or service needs of immediately surrounding medium to high density population. Such establishments include groceries, coin-operated laundry and dry-cleaning agencies, tailoring and dressmaking shops, beauty shops, barber shops, and the like. Specifically excluded are filling stations and repair garages, drive-in eating and drinking establishments, and liquor establishments.

DWELLING, MANUFACTURED HOME: A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with the Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280) which became effective June 15,

1976, promulgated by the United States Department of Housing and Urban Development.

Source: Ord. 527, Sec. 1 (1997)

DWELLING, MOBILE HOME: A factory built structure, transportable in one or more sections, which in the traveling mode is eight body feet (8') or more in width or forty body feet (40') or more in length, or when placed on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a year-round dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein and which bears a label certifying that it was built in compliance with the Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280), which became effective June 15, 1976, promulgated by the United States Department of Housing and Urban Development.

Source: Ord. 527, Sec. 1 (1997)

DWELLING, MULTIPLE: A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided. Condominiums and three or more unit townhouses are considered Multiple Dwellings for the purposes of this ordinance.

Source: Ord. 1049, Sec. 5 (2015)

DWELLING, SINGLE FAMILY (ONE-FAMILY): A structure containing only one dwelling unit designed to be located on a permanent foundation as required by state and/or local requirements and, if site built, constructed in accordance with the provisions of the applicable State and City Codes governing construction or, if manufactured off site, constructed in accordance with either the City code governing construction or the HUD Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280) which became effective June 15, 1976. All single-family dwellings shall be considered and taxed as real property, as provided by law. Each single-family dwelling shall have a minimum overall front width of twenty-two feet (22'), except in the Manufactured Housing District, minimum overall depth of twenty-two feet (22'), except in the Manufactured Housing District, and a minimum main floor living space square footage of 900 square feet for a one-story structure for all districts in which a single-family structure is allowed. The design, location and appearance of the single-family structure must be compatible with existing dwellings in the area. The roof on all single-family dwellings shall be pitched with a minimum vertical rise of four inches (4") for each twelve inches (12") of horizontal run except in the Manufactured Housing District and shall consist of shingles or other nonreflective roof material customarily used for conventional dwellings and be approved by the Building Administrator. The exterior material on all single-family dwellings shall be of a color, material and scale customarily used on existing dwellings within the general area and shall extend to the ground, except that when a solid concrete or masonry perimeter

foundation is used, the exterior covering material need not extend below the top of the foundation. The exterior material of the dwelling shall be approved by the Building Administrator.

Source: Ord. 527, Sec. 1 (1997)

DWELLING, TWIN HOME: A single-family dwelling attached to one other single-family dwelling by a common vertical wall, and each dwelling located on a separate lot.

Source: Ord. 1049, Sec. 5 (2015)

DWELLING, TWO-FAMILY: A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead telephone, gas, electrical, steam, communication, or water transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such public utilities or municipal departments or commissions to the residents of West Fargo.

EXTRATERRITORIAL ZONING JURISDICTION: Unincorporated lands outside the city limits of West Fargo over which the City has the zoning authority.

FAMILY: One or more persons related by blood or marriage or a group of not more than 5 persons who need not be related by blood or marriage living together in a dwelling units.

FAMILY CHILD CARE HOME: An occupied private residence in which early childhood services are provided for no more than seven children at any one time, excluding the children of the childcare provider, as determined by the Department of Human Services.

Source: Ord. 571, Sec. 1 (1999); Ord. 1049, Sec. 5 (2015).

FARM ANIMALS: Animals generally raised on a farm which are either pastured or kept in pens, including but not limited to beef or dairy animals, horses, mules, sheep, goats, swine, llamas, ostrich and poultry. All animals except poultry are counted individually, whereas poultry are counted in groups of five as one animal unit.

Source: Ord. 748, Sec. 9 (2005)

FEEDLOT: A confined area or structure used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate but not including barns, pens, or other structures used in a dairy farm operation.

FLOOR AREA, GROSS: The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches, and balconies.

GRADE: The average elevation of the finished ground at the exterior walls of the main building.

GROUP HOME: Any community residential facility, foster home, family care facility, or other similar home for developmentally disabled persons.

HEIGHT, BUILDING. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to a point midway between elevation of the eaves and elevation of the ridge, for gable, hip and gambrel roof.

Source: Ord. 1049, Sec. 5 (2015)

HOME OCCUPATION: An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services, excluding child care home as provided for in this ordinance.

Source: Ord. 1049, Sec. 5 (2015)

JUNK YARD: Any area used for the storage, keeping or abandonment of junk, including scrap metals, or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

KENNEL: Any place in or at which any number of dogs are kept for the purpose of sale or in connection with boarding, care, or breeding, for which any fee is charged.

LANDFILL: A site where garbage, junk, building materials, demolition materials, trash, rubbish, or hazardous waste is placed in the ground for disposal or for fill purposes. A landfill shall not include dumping of materials covered by a permit under Chapter 15-0311 of the Revised Ordinances of 1990 of the City of West Fargo.

Source: Ord. 455, Sec. 1 (1993)

LOADING SPACE: A space or berth on the sale lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

LOT: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record.
- b. A portion of a lot of record.
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- d. A parcel described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

LOT CORNER: A lot abutting upon two or more intercepting or intersecting streets, where the interior angle of the intersection or interception does not exceed one hundred thirty-five (135) degrees.

LOT COVERAGE: The amount of land covered or permitted to be covered by principal buildings, accessory buildings, and required parking spaces. When including other impervious surface areas such as driveways, parking areas which are not required or other areas, the total lot coverage may not exceed seventy (70) percent for single family and two-family lots, or seventy-five (75) percent for townhomes and multiple dwelling lots. Lot coverage percentages shall apply to front yards independently and to the entire lot in aggregate.

Source: Ord. 748, Sec. 9 (2005)

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and shall be provided as indicated under YARDS in this section.

LOT, DOUBLE FRONTAGE: A lot having a frontage of two nonintersecting streets, as distinguished from a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT OF RECORD: A lot which is part of a subdivision recorded in the Office of the Cass County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded, prior to the effective date of this Ordinance.

LOT WIDTH: The distance as measured by a straight line, between side lot lines at the points of intersection with the building line.

NONCONFORMITIES: Lots, structures, uses of land and structures, and characteristics of uses, which are prohibited under the terms of this ordinance, but were lawful at the date of this Ordinance's enactment.

PARKING SPACE, OFF-STREET: A space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

PRIVATE NONCOMMERCIAL RECREATIONAL OR CULTURAL FACILITY: A facility catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain; provided that any vending stands, merchandising, or commercial activities are conducted only as required for the membership of such club.

PROVISIONAL PERMITTED USES: A use which is generally held as appropriate and would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare throughout a zoning district when certain provisions as stated are met to minimize the use's affects on neighboring properties.

Source: Ord. 783, Sec. 1 (2006)

RETIREMENT COMMUNITIES OR ELDERLY HOUSING PROJECTS: A multiple residential structure or structures designed exclusively for use by elderly or retired persons. To fulfill this requirement at least one occupant of each unit must be retired or at least Fifty-five (55) years of age.

SALVAGE YARD: A place where waste, discarded or salvaged materials are brought, sold, exchanged, baled, packed, disassembled or handled; including auto wrecking yards, house wrecking yards, used material yards; but not including pawn shops, antique shops, purchase or storage of used furniture and household equipment, or the placing of used cars in operable condition.

SETBACK: The required distance between every structure and the front lot line, as prescribed in the district regulations of this Ordinance.

SIGNS: See Section 4-460 of this Ordinance for all definitions relating to signs.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6)

feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

STREET LINE: The right-of-way line of a street.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

PERMANENT SWIMMING POOL: Any structure, basin, or tank either above or below the ground designed to be used for swimming or wading which has a capacity of ~~one thousand (1,000)~~ five thousand (5,000) gallons or more or which has a depth of over twenty-four (24) inches.

TEMPORARY SWIMMING POOL: Any structure, basin, or tank either above or below the ground designed to be used for swimming or wading which has a capacity of less than five thousand (5,000) gallons or which has a depth of less than twenty-four (24) inches.

Source: Ord. 501, Sec. 4 (1996).

TEMPORARY USE: The use of land for a fixed period of time with the intent to discontinue such use upon the expiration of permitted time period.

Source: Ord. 916, Sec. 13 (2012)

TEMPORARY STRUCTURE: A structure without any foundation or footings and does not require a temporary building permit. Such building is constructed with the understanding that it will be removed when the permitted time has expired.

Source: Ord. 916, Sec. 13 (2012)

TRAVEL TRAILER: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

TOWNHOUSE: A single-family dwelling unit occupying its own lot but attached to one or more other units by a common wall or walls.

VARIANCE: A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

YARD: An open space, other than a court, on the same lot with

a building, unoccupied and unobstructed by any portion of a structure from 30 inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the principal building or any projections thereof. The Front Yard shall be facing a public street. In the case of corner lots where two or more sides of a lot front on a street, the property owner shall determine which side shall be the front for the purpose of establishing setback requirements. In any required front yard, no fence or wall shall be permitted which materially impeded vision across such yard above the height of 30 inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights or 30 inches and 10 feet.

DEPTH OF REQUIRED FRONT YARDS SHALL BE MEASURED: At right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

YARD, REAR: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the principal building including any projections. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

YARD, SIDE: A yard extending from the front yard to the rear yard and being the space between the side lot line and the side of the main building including any projections.

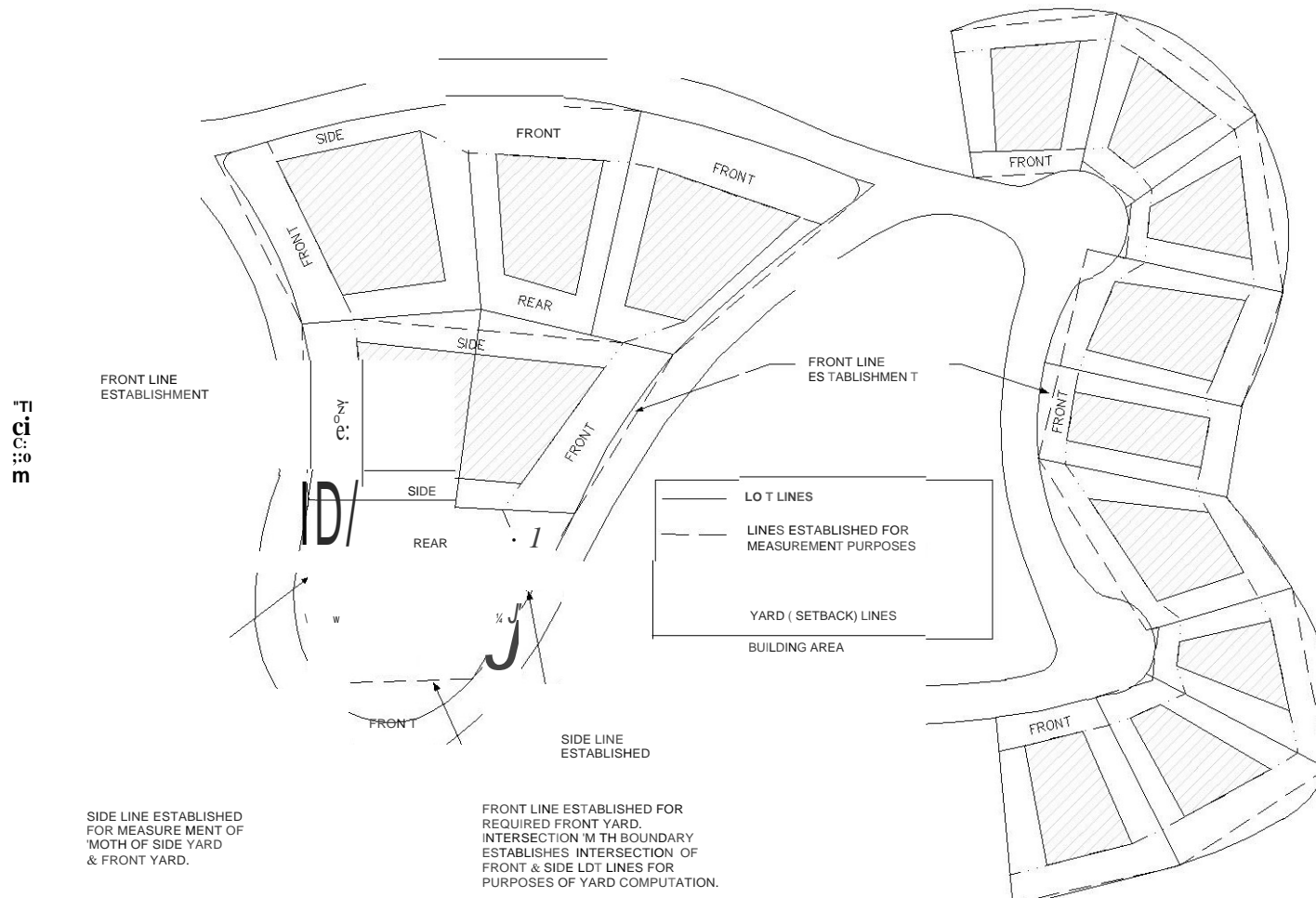
YARD, SPECIAL: A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

The diagram (Figure 1) on the following page illustrates location and methods of measuring yards on rectangular and non-rectangular lots.

Source: Ord. 435, Sec. 1 (1992).

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NON-RECTANGULAR LOTS



4-440. SUPPLEMENTARY DISTRICT REGULATIONS.

Subsections:

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 - 4-444. Erection of More Than One Principal Structure on a Lot.
 - 4-445. Structures to Have Access.
 - 4-446. Currently Licensed Motorized Vehicle and Equipment Parking in Residential District.
 - 4-447. Parking and/or Storage of Certain Vehicles and Materials.
 - 4-448. Provisions of Home Occupations.
 - 4-449. Wireless Telecommunications.
 - 4-449-A. Landscaping Standard.
 - 4-449-B. Wind Energy Systems Standards. (Source: Ord, 916, Sec. 69 (2012))
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4-441. GENERAL FENCING AND SCREENING REQUIREMENTS.

1. DEFINITION OF FENCE. An artificially constructed structure of any material or combination of material erected to enclose or screen areas of land.
2. GENERAL FENCING AND SCREENING REQUIREMENTS FOR RESIDENTIAL AREAS. In any residential district, fences, hedges, and plantings may be permitted in the buildable area and in any required yard, or along the edge of any yard, provided that no fence or hedge along the sides or front edge of any required front yard shall be over two and one-half (2½) feet in height, except on through lots or double frontage lots where one of the front yards is intended to serve as the rear yard and is consistent with the other lots on the block, a fence or hedge may be up to six (6) feet in height. All fencing and screening shall meet visibility requirements for intersections by not impeding vision between a height of two and one-half (2½) feet and ten (10) feet within thirty (30) feet from the intersecting curb lines, or within twenty (20) feet from the intersecting property lines if there is no curb. Coordinated fencing schemes for the block are strongly encouraged, and if possible developed during the subdivision process. No fence or hedge within any buildable area or along any side or rear lot line shall be over six (6) feet in height.

Open fences such as a split rail or chain link without slats, which permit direct vision through at least 50% of the fence surface area shall be allowed a height of four (4) feet along the sides or front edge of any front yard.

Source: Ord. 916, Sec. 42 (2012)

2. REQUIRED FENCING AND SCREENING. Where any business, industrial users, or multiple-family buildings of four (4) or more units (i.e., structure, parking or storage) abuts property zoned for residential use, that business, industry, or multiple-family building shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, industry, or multiple-family building of four (4) or more units is across the street from a residential zone, but not on that side of a business, industry, or multiple-family building considered to be the front yard. Provided, however, that the provisions of this section will not apply where a multiple-family building abuts a property also zoned for multiple-family use. All fencing and screening specifically required by this section shall meet visibility requirements for intersections and other requirements as stated herein, and shall consist of either a fence or green belt planting strip. A required screening fence shall be constructed of masonry, brick, wood or metal. Such fence shall provide a solid screening effect six (6) feet in height for multiple-family uses and at least six (6) feet in height for business and industrial uses. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening to a minimum height of six (6) feet. Earth mounding and berms may be used but shall not be used to achieve more than three (3) feet of the required screen, unless otherwise provided for by the City (i.e., PUD requirements).
4. CONSTRUCTION STANDARDS. No fence, hedge, or plantings shall be constructed or maintained with electrified barbed wire, or other spiked materials which may pose injurious to public health and safety. Posts and other supporting structures used in the construction of fences shall be faced inward toward the property being fenced.
5. PRIVATE RECREATIONAL FENCES. Private recreational fences shall conform to the provisions attached to residential fences. Permanent swimming pool fences shall be six (6) feet in height.
6. PUBLIC FENCES. Fences used in connection with public facilities and public recreational uses shall have a maximum height of ten (10) feet in any yard and be of the open fence variety. Residential construction standards shall apply to all public fences.
7. NON-RESIDENTIAL FENCES. Fences in light commercial areas shall conform to the provisions of residential fences. Fences in industrial or agricultural districts shall conform to the provisions attached to residential fences

except where the Building Administrator determines it would be in the public welfare to add to fence height or to add security materials onto the fence. In such cases, fences shall not exceed ten (10) feet in height.

8. TEMPORARY FENCES. Temporary fences needed to enclose sites, such as construction sites, do not require fencing permits.

SOURCE: Ord. 530, Sec. 6 (1997).

4-441.1. BUILDING CONSTRUCTION STANDARDS. Principal and accessory buildings constructed within the planning and jurisdictional limits of the City shall be according to the following standards:

1. No visible galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as corten steel, nor any corrugated materials shall be permitted in any zoning district, except in association with farming activities, or if located in an industrial zone not identified within Corridor Overlay, Interstate Corridor Overlay, or Redevelopment Corridor Overlay districts and approved for use by the Planning and Zoning Commission.
2. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to insure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety, and general welfare.
3. Exterior building finishes shall consist of materials comparable in grade and quality to the following:
 - a. Brick.
 - b. Natural Stone.
 - c. Decorative concrete block, except for single and two-family residential uses.
 - d. Cast in place concrete or precast concrete panels, except for single and two-family residential uses.
 - e. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, cypress.
 - f. Curtain wall panels of steel, fiberglass and aluminum (nonstructural, no-load bearing), provided

such panels are factory fabricated and finished with a durable nonfade surface and their fasteners are of a corrosion resistant design, except for single and two-family residential uses.

- g. Glass curtain wall panels, except for single and two-family residential uses.
- h. Stucco.
- i. Horizontal vinyl and steel.
- j. Other materials as approved by the City Commission and maintained by the City Building Official.

Source: Ord. 675, Sec. 2 (2003); Ord. 916, Sec. 43 (2012).

4-442. ACCESSORY BUILDING AND USE PROVISIONS. Accessory buildings and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- 1. An accessory building or use which is structurally attached to a main building, shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- 2. No detached accessory building or use in any residential district shall exceed one story or 15 feet in height.
- 3. No detached accessory building or use shall be erected in any required yard, except a rear yard, nor shall it be located closer than three (3) feet to any side or rear lot line, subject to the following exceptions:
 - a. Where the rear lot line is coterminous with any alley right-of-way, the accessory building or use shall not be closer than one (1) foot to such a rear lot line except when a garage is entered from an alley at right angles, it shall not be nearer than ten (10) feet to the rear lot line.
 - b. On corner lots, an accessory building or use, including driveways on the street side, shall maintain the same side yard setback required for the main building, except for garages accessing a public street, which shall maintain a setback of 18 feet for lots of 50 feet or less and 20 feet for lots greater in width than 50 feet.
 - c. In no instance shall an accessory building or use be located within a dedicated easement right-of-way.

- d. On through lots or double frontage lots where one of the front yards is intended to serve as the rear yard and is consistent with the other lots on the block, detached accessory buildings may be erected within twelve (12) feet of the intended rear lot line and three (3) feet of the side lot line.
 - e. Accessory buildings for townhouses may be constructed up to the interior lot line following the principal building scheme.
- 4. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
 - 5. No accessory building in a residential district shall exceed 1,000 square feet, except in the Rural Residential District where accessory buildings up to 1,600 square feet are allowed. Accessory buildings greater than 1,000 square feet in the Rural Estate District and 1,600 square feet in the Rural Residential District are allowed as a conditional use.
 - 6. All swimming pools as defined by this ordinance shall be regulated as follows:
 - a. All permanent swimming pools shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening or other enclosure of sufficient density as to curtail access. Hard and soft pool covers are not considered to be adequate barriers. All barriers must be six feet (6') in height. Fences shall be of a noncorrosive material and shall be constructed so as to be not easily climbable. All barrier openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to permanent swimming pools shall be equipped with self-closing and self-latching devices placed at a ~~sufficient~~ height of at least fifty-four (54) inches from finished grade so as to be inaccessible to all small children. All barrier supports shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection. The opening between the bottom of the barrier and the ground or other surfaces shall not be more than four inches (4"). A permit for permanent pools is required to be reviewed and approved prior to construction by the West Fargo Building Inspections Department and West Fargo Planning & Zoning Department.
 - b. Permanent swimming pools with platforms and railings that are six (6) feet in height above the ground and temporary pools are not required to be enclosed as provided in paragraph (a) above; however, all ladders and stairways providing access to such swimming pools shall be removed from the swimming pool or shall be adequately fenced and fitted with gates or folded up and locked to prevent entry when the swimming pool is

not in use.

Source: Ord. 501, Sec. 11 (1996); Ord. 916, Sec. 44, (2012); Ord. 1137,
Sec. 3 (2019)